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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues Against:

Case No. 2013-538

12 **PATRICIA NORMA CORTINAS**

STATEMENT OF ISSUES

13 Respondent.

14
15 Complainant alleges:

16 **PARTIES**

17 1. Louise R. Bailey, M.Ed., RN (Complainant), brings this Statement of Issues solely in
18 her official capacity as the Executive Officer of the Board of Registered Nursing (Board),
19 Department of Consumer Affairs.

20 2. On or about January 10, 2012, the Board received an application for a Registered
21 Nurse License from Patricia Norma Cortinas (Respondent). On or about January 5, 2012,
22 Respondent certified under penalty of perjury to the truthfulness of all statements, answers, and
23 representations in the application. The Board denied the application on July 11, 2012.

24 **JURISDICTION**

25 3. This Statement of Issues is brought before the Board under the authority of the
26 following laws. All section references are to the Business and Professions Code (Code) unless
27 otherwise indicated.

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4. Code section 2736 provides, in pertinent part, that the Board may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under Code section 480.

5. Code section 480 provides, in pertinent part, that the Board may deny a license if the applicant has been convicted of a crime substantially related to the qualifications, functions or duties of the business or profession for which application is made, has committed any act involving dishonesty, fraud or deceit, has committed any act which if done by a licensee would be grounds for suspension or revocation of a license, or has knowingly made a false statement of fact required to be revealed in the application.

6. Code section 2761 states:

“The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

“(a) Unprofessional conduct, which includes, but is not limited to, the following:

...

“(e) Making or giving any false statement or information in connection with the application for issuance of a certificate or license.

“(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.”

FIRST CAUSE FOR DENIAL OF APPLICATION

(Substantially Related Conviction)

7. Respondent's application is subject to denial under Code sections 2761(a), 2761(f), and/or 480 in that on or about May 28, 2004, in Santa Clara County Superior Court, Case Number CC303631, Respondent was convicted of having violated Penal Code section 484/487(b)(3) (grand theft by employee). The circumstances of the conviction were that on or about and between December 20, 2002 and December 24, 2002, Respondent cashed a forged \$2,500.00 check made payable to her, that she knew had been stolen from her employer, the Habana Cuba restaurant in San Jose, California. Respondent was placed on formal probation for three years,

1 ordered to comply with the terms, and ordered to pay fines and restitution. On or about July 13,
2 2007, Respondent's convictions were dismissed pursuant to Penal Code section 1203.4.

3 SECOND CAUSE FOR DENIAL OF APPLICATION

4 (Dishonesty)

5 8. Respondent's application is subject to denial under Code sections 2761(a), 2761(e),
6 and/or 480 in that she committed an act or acts of dishonesty, fraud or deceit, as follows:

7 9. On or about January 5, 2012, Respondent certified under penalty of perjury to the
8 truth of her answer of "No" to question 7 on the Application for Licensure by Examination form
9 querying whether she had been convicted of any offense.

10 THIRD CAUSE FOR DENIAL OF APPLICATION

11 (Acts that Would be Grounds for Denial if Done by a Licensee)

12 10. Respondent's application is subject to denial under Code section 480 in that she
13 committed an act or acts that, if done by a licensed vocational nurse, would be grounds for
14 suspension or revocation of the license, as described in paragraphs 7 and 9, above.

15 PRAYER

16 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
17 and that following the hearing, the Board of Registered Nursing issue a decision:

- 18 1. Denying the application of Patricia Norma Cortinas for a Registered Nursing License;
19 2. Taking such other and further action as deemed necessary and proper.

20 DATED: January 7, 2013

21 Louise R. Bailey
22 LOUISE R. BAILEY, M.ED., RN
23 Executive Officer
24 Board of Registered Nursing
25 Department of Consumer Affairs
26 State of California
27 Complainant
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